

FILED

JUL 19 2011


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

DONALD E. MOELLER,

Plaintiff,

vs.

DOUGLAS WEBER, Warden,
South Dakota State Penitentiary;
TIM REISCH, Acting Secretary in his
in his Official Capacity as
Secretary of Corrections; and
DOES 1-20, Unknown Employees or
Agents of South Dakota Department
of Corrections,

Defendants.

CIV. 04-4200

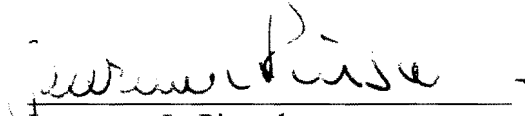
ORDER

Defendant filed a Motion for Protective Order and Supporting Brief, Doc. 178, Plaintiff filed his Response, Doc. 184, on July 5, 2011, and Defendants filed their Reply, Doc. 186, on July 12, 2011. The Deposition Subpoenas issued with regard to John Doe and Jim Doe are quashed. Those are the depositions of two unidentified participants in the execution of Elijah Page. The identity of those two individuals has not been disclosed and it is not known if they will be involved in the execution of Donald Moeller if that execution takes place. As the parties have acknowledged, this Court has previously ordered at the hearing on June 26, 2008, Doc. 92, that the Court will not require nor allow the production of the identity of people on execution teams, other than those persons who have been publicly identified by the Defendants.

IT IS SO ORDERED.

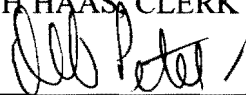
Dated this 17th day of July, 2011.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 

DEPUTY